



General Assembly

February Session, 2008

***Amendment***

LCO No. 3888

**\*HB0514503888HDO\***

Offered by:

REP. HENNESSY, 127<sup>th</sup> Dist.

To: Subst. House Bill No. 5145

File No. 101

Cal. No. 63

***"AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES."***

1 In line 7, after "means" insert "(A)"

2 In line 9, strike "(A)"

3 In line 9, strike "fifty" and insert in lieu thereof "thirty"

4 In line 11, after "level" strike ","

5 Strike lines 12 to 13 and insert the following in lieu thereof: "(B) a  
6 distressed municipality, as defined in subsection (b) of section 32-9p of  
7 the general statutes;"

8 Strike lines 14 to 54, inclusive, in their entirety and insert the  
9 following in lieu thereof:

10 "(3) "Affecting facility" means any (A) electric generating facility  
11 with a capacity of more than ten megawatts; (B) sludge or solid waste  
12 incinerator or combustor; (C) sewage treatment plant with a capacity

13 of more than fifty million gallons per day; (D) intermediate processing  
14 center, volume reduction facility or multitown recycling facility with a  
15 combined monthly volume in excess of twenty-five tons; (E) new or  
16 expanded landfill, including, but not limited to, a landfill that contains  
17 ash, construction and demolition debris or solid waste; (F) medical  
18 waste incinerator; or (G) major source of air pollution, as defined by  
19 the federal Clean Air Act. "Affecting facility" shall not include the  
20 portion of an electric generating facility that uses nonemitting and  
21 nonpolluting renewable resources such as wind, solar and hydro  
22 power or that uses fuel cells;

23 (4) "Meaningful public participation" means (A) potentially affected  
24 community residents have an appropriate opportunity to participate in  
25 decisions about a proposed facility that will affect such residents'  
26 environment or health; (B) the public's contribution may influence the  
27 regulatory agency's decision; (C) the concerns of all participants  
28 involved will be considered in the decision-making process; and (D)  
29 the applicant for an individual permit, certificate or siting approval  
30 seeks out and facilitates the involvement of those potentially affected;  
31 and

32 (5) "Community environmental benefit agreement" means a written  
33 agreement entered into by a municipality in consultation with the  
34 affected environmental justice community and an owner or developer  
35 of real property whereby the owner or developer agrees to develop  
36 real property that is to be used for any affecting facility and provide  
37 financial resources for the purpose of the mitigation, in whole or in  
38 part, of impacts reasonably related to the facility, including, but not  
39 limited to, impacts on the environment, traffic, parking and noise, and  
40 for purposes of this definition, "mitigation" includes both on-site and  
41 off-site improvements.

42 (b) (1) Applicants seeking to obtain any new or expanded permit,  
43 certificate under chapter 277a of the general statutes or siting approval  
44 from the Department of Environmental Protection or the Connecticut  
45 Siting Council involving an affecting facility proposed to be located in

46 an environmental justice community shall (A) file a meaningful public  
47 participation plan with such department or council and shall obtain  
48 the department's or council's approval of such plan prior to filing any  
49 application for such permit, certificate or approval; and (B) consult  
50 with the chief elected official or officials of the town or towns in which  
51 the affecting facility is to be located to evaluate the need for a  
52 community environmental benefit agreement in accordance with  
53 subsection (d) of this section.

54 (2) Each such meaningful public participation plan shall contain a  
55 certification that the applicant will undertake the measures contained  
56 in the plan and shall identify a time and place where an informal  
57 public meeting will be held that is convenient for the affected  
58 environmental justice community. In addition, any such plan shall  
59 identify the methods by which the applicant will publicize the date,  
60 time and nature of the informal public meeting in addition to the  
61 publication required by subdivision (3) of this subsection, if any. Such  
62 methods may include, but not be limited to, (A) posting a reasonably  
63 visible sign on the proposed facility property, printed in English, in  
64 accordance with local regulations and ordinances, (B) posting a  
65 reasonably visible sign, printed in the language or languages that  
66 reflect the languages spoken by at least twenty per cent of the  
67 population that reside within one-half of a mile radius of the proposed  
68 facility, in accordance with local regulations and ordinances, (C)  
69 notifying neighborhood and environmental groups, in writing, in a  
70 language appropriate for the target audience, and (D) notifying local  
71 and state elected officials, in writing.

72 (3) Not less than ten days prior to the informal public meeting and  
73 not more than thirty days prior to such meeting, the applicant shall  
74 publish the date, time and nature of the informal public meeting in a  
75 neighborhood newspaper with a minimum one-quarter page  
76 advertisement in the Monday issue of a daily publication or any day in  
77 a weekly or monthly publication between ten and thirty days prior to  
78 such meeting. The applicant shall post a similar notification of the  
79 informal public meeting on the applicant's web site, if applicable.

80       (4) At the informal public meeting, the applicant shall make a  
81 reasonable and good faith effort to inform the public in attendance  
82 about the proposed facility and the potential environmental and health  
83 impacts of the facility to enable meaningful public participation.

84       (5) The Department of Environmental Protection or the Connecticut  
85 Siting Council shall not take any action on the applicant's individual  
86 permit, certificate or approval earlier than sixty days after the informal  
87 public meeting has occurred.

88       (c) The Department of Environmental Protection shall enhance  
89 enforcement of existing department regulations and policies or  
90 applicable provisions of the general statutes under said department's  
91 authority within environmental justice communities. Nothing in this  
92 subsection shall be construed to limit the enforcement discretion of the  
93 Department of Environmental Protection.

94       (d) Any municipality, owner or developer may enter into a  
95 community benefit agreement in connection with an affecting facility.  
96 Mitigation may include, but not be limited to: Funding for activities  
97 such as environmental education, diesel pollution reduction,  
98 construction of biking and walking trails, staffing for parks, urban  
99 forestry, support for community gardens or any other negotiated  
100 benefit to the environment in the environmental justice community."